

Appln. No. 10/644,563

Amendment dated March 22, 2006

Reply to Office Action dated September 22, 2005

### REMARKS

The foregoing amendments and these remarks are in response to the Office Action, dated September 22, 2005. At the time of the Office Action, claims 1-4, 6, 11 and 12 were pending in the present application. Claims 5, 7-10 and 13-20 were indicated as being withdrawn. Claims 1-4, 11 and 12 were rejected under 35 U.S.C. § 102(b). Claims 3 and 6 were rejected under 35 U.S.C. § 103(a). Each of the rejections will now be considered in turn.

#### Rejections Under 35 U.S.C. § 102(b)

Claims 1-3 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,169,367 to Hussey ("Hussey"). It is respectfully submitted that claim 1, as amended, is distinguishable over Hussey based on a number of grounds. For instance, the Office Action points to Hussey reference number 63 as being the plate of the resonator body. Item 63 in Hussey is actually a series of perforations, which certainly cannot be a resonator plate. The perforations 63 extend through a tubular member 62. The tubular member 62 cannot reasonably be considered a plate; otherwise, anything could be labeled as a plate.

Further, item 39 (cover plate) cannot be considered a side wall, as recited in claim 1. Cover plate 39 does not extend from and about the entire periphery of the tubular member 62; rather, it extends from the end of the tubular member 62. Moreover, the tubular member 62 and the cover plate 39 are not attached to a turbine engine component so as to enclose at least some of a plurality of openings in the turbine engine component.

Likewise, item 57 cannot be considered a scoop because it does not have a top plate nor a side wall, as recited in claim 1. The Office Action appears to point to item 57 as the top plate. Item 57 is a shield member that is tubular. For the reasons discussed above, a tubular component

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cannot be considered a plate. The Office Action states that items 58 or 21 are a side wall. However, neither of these components extend from and about the entire outer periphery of the tubular member 62, which the Office Action contends is the resonator plate. Moreover, neither of these items attach to the resonator body.

Claims 1-4 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,530,221 to Sattinger et al. ("Sattinger"). It is respectfully submitted that claim 1 does not read on the disclosure of Sattinger. Indeed, aspects of the present invention improve upon the modular resonators of Sattinger by providing a scoop overhanging the resonator body.

The Office Action relies on FIGS. 7 and 8 of Sattinger to support the rejection. The Office Action presented a marked-up version of FIG. 7. This mark-up version of FIG. 7 reveals the flaws of the rejection. First, the item pointed to as being the scoop is a tubular component. It does not have a top plate nor does it have a side wall. The Office Action claims that item 58 is a side wall of the scoop. This is incorrect. Item 58 is a sidewall of the resonator 50. None of the resonators disclosed in Sattinger have a scoop. Therefore, for at least the foregoing reasons, claim 1 of the present application is distinguishable over Sattinger.

Claims 1-3 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,793,827 to Ekstedt ("Ekstedt"). It is respectfully submitted that the rejection is not well founded.

According to the Office Action, Ekstedt teaches a resonator including a plate with a plurality of openings 34 therein and at least one side wall 46 extending from the periphery of the plate. It is noted that the Office Action does not point to any particular structure as being the resonator plate. However, the openings 34 are associated with the liner 22, so it is assumed for

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the sake of this response that the liner 22 is what the Office Action contends is a plate. The liner 22 is a cylindrical component and, as discussed above, cannot reasonably be considered a plate, as recited in claim 1. Even so, item 46 is not a sidewall that extends from and about the entire periphery of the liner 22. Moreover, item 46 is not attached to a turbine engine component so as to enclose at least some of a plurality of openings in the turbine engine component.

The Office Action says that Elkstedt discloses a scoop 62 with a top plate 62. Item 62 is a contoured portion of wall 46, which is a cylindrical component. As noted above, a cylindrical component cannot be considered a scoop top plate, as recited in claim 1. Further, the Office Action does not point to any side wall of the top plate. Nor can it because wall 46 does not have a side wall that extends from and about the entire periphery of the wall 46.

For the reasons set forth above, Elkstead fails to disclose every element of claim 1 of the present application.

Claims 1-4, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,106,276 to Sams et al. ("Sams"). It is respectfully submitted that the rejection based on Sams is not well founded. The Office Action points to item 24 of Sams as being a resonator plate. Item number 24 of Sams is a perforated tube. Again, as noted in connection with all of the other cited references in this case, a tube cannot reasonably be considered a plate.

Further, the Office Action states that there is a sidewall 28 extending from the periphery of the plate. Even if end plate 28 is considered a sidewall, it does not extend from and about the entire periphery of the plate. Rather, the end plate 28 covers the end of the perforated tube 24. In any event, claim 1 now recites that the resonator body is attached to a turbine engine

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component so as to enclose at least some of the openings in the turbine engine component. No such structure is present in Sams.

In addition, Sams does not disclose a scoop as recited by claim 1. The Office Action points to two possible structures as being the scoop – items 80 or 48. Claim 1 recites that the scoop includes a top plate; neither of these items can be characterized as a plate because they are both cylindrical components. With respect to item number 80, it does not overhang the supposed resonator plate 24. As for item number 48, it does not include a sidewall. The office action points to number 25 being a sidewall, but it is clear that the annular ring 25 is an extension of the perforated tube 24, not associated with either items 80 or 48.

Therefore, for at least the reasons set forth above, Sams does not disclose each and every element of claim 1.

Claims 1-4 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,747,467 to Lyon ("Lyon"). It is respectfully submitted that the rejection based on Lyon is not well founded.

The Office Action states that Sams teaches a resonator including a plate 38 having a plurality of openings therein and at least one side wall extending from the periphery of the plate. Item 38 is a perforated wall. However, even if the walls 20 and 22 can be considered side walls of the perforated wall 38, the side walls are still not attached to a turbine engine component with a plurality of openings therein. Wall 18, which Applicant assumes the Examiner would point to as being the turbine engine component, does not contain any openings.

The Office Action points to item 52 as being the side wall of the scoop. However, it cannot be said that item 52 extend from and about the periphery of the so-called top plate (baffle

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28). Rather, item 52 extends from one side of the baffle 28 and it certainly does not extend about the periphery of the baffle 28. In light of the above, it is respectfully submitted that Lyon fails to disclose the invention recited in claim 1 of the present application.

#### Dependent Claims

Because independent claim 1 of the present application is distinguishable over the art of record, all claims depending therefrom are necessarily distinguishable as well. Therefore, a discussion of the rejection of these claims under 35 U.S.C. §§ 102(b) and 103(a) is moot.

#### Withdrawn Claims

Applicant believes that claim 1 is in a condition for allowance. Because claim 1 is a generic claim, Applicant respectfully submits that the dependant claims including the non-elected claims should be considered as well.

#### New Claims

Claims 21-27 are newly presented with this amendment. It is respectfully submitted that the claims are distinguishable over all of the art of record. The claims are directed to an alternative definition of the invention in which a resonator body that includes a substantially rectangular plate and a side wall that extends substantially perpendicularly away from and about the entire periphery of the top plate. At least for the reasons presented in connection with claim 1, these new claims are not disclosed by any of the cited references.

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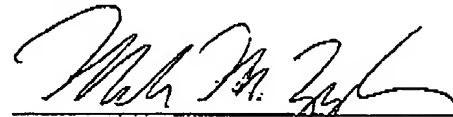
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In light of the foregoing, Applicant respectfully submits that the Examiner's rejections have been traversed. Applicant further respectfully requests the Examiner to reconsider and withdraw the rejections of claims 1-4, 6 and 11-13, and allow these claims as well as new claims 21-27. A notice to that effect is respectfully requested.

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Respectfully submitted,



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